

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

SAMUEL BALLARIN, individually and on behalf of himself and others similarly situated,

Plaintiff,

VS.

CIVIL ACTION NO. H-07-0278

CHURRASCARIA CHURRASCOS  
RANCH, INC.,

Defendant.

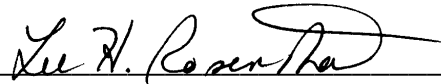
## ORDER REINSTATING CASE AND SETTING HEARING

On February 6, 2007, this court entered an order dismissing this case without prejudice based on notice from the parties that an amicable settlement had been reached. The parties now seek dismissal with prejudice. This court must first determine whether the settlement is a “fair and reasonable resolution” of the Fair Labor Standards Act claims. *See Lynn’s Food Stores, Inc. v. United States*, 679 F.2d 1350, 1354–55 (11th Cir. 1982). “When employees bring a private action for back wages under the FLSA, and present to the district court a proposed settlement, the district court may enter a stipulated judgment after scrutinizing the settlement for fairness.” *Id.* at 1353 (citing *Schulte, Inc. v. Gangi*, 328 U.S. 108, 113 n.8 (1946)).

Because this court has not approved the proposed settlement, the February 6, 2007 order of dismissal is withdrawn. *See* FED. R. CIV. P. 60(a). This case is reinstated to the

court's active docket. A hearing on the proposed settlement is set for **February 26, 2007 at 9:00 a.m.**

SIGNED on February 13, 2007, at Houston, Texas.

A handwritten signature in black ink, reading "Lee H. Rosenthal", written over a horizontal line.

Lee H. Rosenthal  
United States District Judge